

### **Remarks**

Claims 22, 35-52, and 54-104 are presently pending in this application. Claims 22 and 69 are independent. In the Office Action of April 21, 2005, the Examiner rejected claims 22, 35-52, and 54-104. Applicants traverse the rejections of Claims 22, 35-52, and 54-104. Applicants respectfully request reconsideration.

### **Rejection under 35 U.S.C. § 102**

The Examiner rejected Claims 22, 35-37, 40-52, 54-68, 69-74, 77-104 under 35 U.S.C. § 102(b) as being anticipated by William Wright (Research Report Information Animation Applications in the Capital Markets, IEEE 1995), hereinafter “Wright.” Because Wright fails to show each and every element recited in Claims 22, 35-37, 40-52, 54-68, 69-74, 77-104, Applicants traverse the rejections and respectfully request reconsideration.

Applicants’ Claim 22 calls for a method comprising the steps of “displaying a plurality of book axes” where each book axis represents a book for a good, and each book comprises orders including a bid order and a sell order. Claim 22 further calls for “displaying a value axis in relation to the plurality of book axes” where the value axis has “units of a value common to the plurality of goods,” and “displaying indicators ... representing at least one order for at least one of the plurality of goods,” where “the indicators are displayed in locations along the book axes corresponding to the value axis.” Claim 69 recites similar limitations as Claim 22, which is “generating a common value axis comprising units of value associated with the first and second products,” and then the steps of displaying first and second indicators for the first product in relation to first and second value levels on the common value axis, and displaying third and fourth

indicators for the second product in relation to third and fourth value levels on the common value axis. According to Claim 69, “the indicators for the first and second products are displayed ... such that relative values of the indicators are visually apparent.”

The Applicants’ claimed invention that displays indicators corresponding to a plurality of goods at locations corresponding to values at a common value axis enables a trader to view multiple markets and quickly determine their relative values merely by analyzing the graphical placements of the indicators, such as the graphical placement of bids and offers. (See, e.g., Applicants’ specification, page 6, lines 4-6). As also explained in the Applicants’ specification, in conventional systems, where indicators corresponding to a plurality of goods are not displayed based on a common value axis, a trader has to mentally track relative value, or compare different spreadsheets, or perform other manipulations to understand how differences in prices for different goods translate into relative values of those goods. (See, e.g., Applicants’ specification, page 6, lines 6-9). Wright merely discloses such a conventional system and thus does not anticipate the Applicants’ claimed invention.

Wright, in Figure 1, discloses a two dimensional image including a plurality of order books corresponding to a plurality of equities. Wright also shows the depth of each book in relation to a baseline. However, the baseline in Wright does not provide a common value axis. Rather, the baseline in Wright corresponds to the price of the last trade in each displayed order book, with the height of display of each bid and offer being proportional to the price of the bid and offer compared to the current price level of the baseline corresponding to the order book. Thus, the baseline in Wright does not provide

a single value level that is common to all order books. Instead, as the last traded prices for each displayed order book differ, the base line corresponds to different price values for different order books. Figure 2 cited by the Examiner in the rejection is merely a 3-D extension of Figure 1, and faces the same baseline limitations.

Applicants respectfully remind the Examiner that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131. Applicants respectfully submit that Wright fails to disclose “displaying a value axis in relation to the plurality of book axes” where the value axis has “units of a value common to the plurality of goods,” and “displaying indicators ... representing at least one order for at least one of the plurality of goods,” where the indicators are displayed in locations along the book axes corresponding to the value axis,” as claimed in Applicants’ Claim 22. As explained above, there is nothing common with respect to the baseline and prices corresponding to a plurality of order books in Wright. The only commonality with respect to the baseline and order books in Wright is that the baseline corresponds to the last traded price with respect to each displayed order book. However, as the last traded prices for the equities differ, the price level corresponding to the baseline for each order book displayed in Wright would be different as well. Using the display shown in Wright, a trader would not be able to view relative positions of different goods, as allowed for by the Applicants’ claimed invention.

Based on the foregoing, Applicants respectfully submit that Wright does not expressly or inherently describe each element of the Applicants’ independent Claims 22 and 69. Thus, Claims 22 and 69 are not anticipated by Wright. Also, the remaining

claims ultimately depend from either Claim 22 or Claim 69, and therefore incorporate all limitations of the respective independent claims. Thus, Applicants submit that Claims 35-37, 40-52, 54-68, 70-74, 77-104 are not anticipated by Wright either.

**Rejection under 35 U.S.C. § 103**

The Examiner rejected Claims 38-39 and 75-76 under 35 U.S.C. § 103(a) as being unpatentable over Wright in view of the Official Notice taken by the Examiner. Applicants traverse the rejections of Claims 38-39 and 75-76, and respectfully request reconsideration.

Applicants respectfully remind the Examiner that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. The arguments from the previous section related to the patentability of independent Claims 22 and 69 are incorporated herein by reference. Claims 38-39 and 75-76 depend from Claims 22 and 69, respectively, and thus incorporate all limitations of the independent claims. Based on the arguments above, Wright does not teach or suggest at least displaying indicators corresponding to different goods at locations determined based on a common value axis. Because Claims 38-39 and 75-76 inherently include this limitation, Wright does not render the Applicants' claimed invention obvious.

The Examiner also took the Official Notice with respect to Claims 38-39 and 75-76. However, the Examiner provided no evidentiary evidence for support. According to MPEP 2144.03(A), when the Examiner relies on common knowledge, it would not be appropriate for the Examiner to take notice of facts without citing a prior art reference

where the facts asserted to be well-known are not capable of instant and unquestionable demonstration of being well-known.

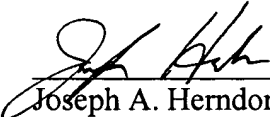
**Conclusion**

In view of the reasons provided above, Applicants submit that the invention as claimed in Claims 22, 35-52, and 54-104 patentably distinguish over the Wright reference. Therefore, Applicants submit that each of these claims is in condition for allowance, and Applicants respectfully request favorable reconsideration. If the Examiner believes that further dialog would expedite consideration of the application, the Examiner is invited to contact Monika Dudek at (312) 476-1118 or the undersigned agent.

Respectfully submitted

**McDonnell Boehnen  
Hulbert & Berghoff LLP**

Date: 7/19/05

By:   
Joseph A. Herndon  
Reg. No. 50,469